

SENATE BILL No. 401

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-16.5.

Synopsis: Wireless emergency telephone system fund. Revises the types of investments in which money in the wireless emergency telephone system fund may be placed. Repeals and reenacts two sections in order to resolve conflicts in 2002 legislation concerning collection of the wireless emergency enhanced 911 fee. Makes conforming changes.

Effective: July 1, 2003.

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January 21, 2003, read first time and referred to Committee on Economic Development and Technology.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 401

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-8-16.5-22 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 22. The fund consists
3 of the following:

- 4 (1) Service charges assessed on CMRS users in the state under
5 section ~~25~~ **25.5** of this chapter.
- 6 (2) Appropriations made by the general assembly.
- 7 (3) Grants and gifts intended for deposit in the fund.
- 8 (4) Interest, premiums, gains, or other earnings on the fund.

9 SECTION 2. IC 36-8-16.5-23 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. (a) The board may
11 invest money in the fund in **the same manner as other funds of the**
12 **state may be invested under IC 5-13. In addition, the board may**
13 **invest money in the fund in** any of the following:

- 14 (1) Securities of the United States government and federal
15 agencies, subject to the following conditions:
 - 16 (A) Securities issued by the United States government may be
17 purchased and held up to one hundred percent (100%) of the



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- 1 fund.
- 2 (B) Securities issued by federal agencies that are guaranteed
- 3 by the United States government with respect to payment of
- 4 principal and interest may be purchased and held up to fifty
- 5 percent (50%) of the fund.
- 6 (C) Securities issued by the following federal agencies that are
- 7 not guaranteed by the United States government as to principal
- 8 and interest may be purchased and held up to twenty-five
- 9 percent (25%) of the fund:
- 10 (i) Federal Land Banks.
- 11 (ii) Federal Home Loan Banks.
- 12 (iii) Federal Home Loan Mortgage Corporation.
- 13 (iv) Bank for Cooperatives.
- 14 (v) Federal Intermediate Credit Banks.
- 15 (vi) Federal Farm Credit Banks.
- 16 (2) Corporate bonds, notes, and debentures, subject to the
- 17 following conditions:
- 18 (A) Maximum participation in any issue is limited to seven
- 19 percent (7%) of the total issue.
- 20 (B) The board shall establish minimum quality rating
- 21 standards and maximum purchase amount standards for
- 22 corporate issues.
- 23 (3) Investments maturing in one (1) year or less, subject to the
- 24 following conditions:
- 25 (A) These investments must be: ~~United States Treasury~~
- 26 ~~obligations, repurchase agreements secured by United States~~
- 27 ~~Treasury obligations;~~
- 28 (i) Prime-1 commercial paper; and ~~certificates of deposit~~
- 29 ~~and~~
- 30 (ii) banker's acceptance approved by banks' trust investment
- 31 committees.
- 32 (B) The maximum amount may not exceed fifty percent (50%)
- 33 of the fund.
- 34 ~~(4) Interest bearing deposit accounts (as defined in IC 5-13-4-7):~~
- 35 (b) Whenever the quality, maturity, and yield of an investment in an
- 36 Indiana corporation or in a corporation that does business in Indiana
- 37 are equal to or better than similar investments in other corporations,
- 38 preference shall be given to investment in the Indiana corporation or in
- 39 the corporation that does business in Indiana.
- 40 SECTION 3. IC 36-8-16.5-25.5 IS ADDED TO THE INDIANA
- 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 42 [EFFECTIVE JULY 1, 2003]: **Sec. 25.5. (a) As used in this section,**

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"customer" and "place of primary use" have the meanings set forth in IC 6-8.1-15.

(b) Except as provided in section 34 of this chapter, the board shall assess a monthly wireless emergency enhanced 911 fee on each CMRS subscriber that is a customer having a place of primary use in Indiana. A customer's place of primary use shall be determined in the manner provided by IC 6-8.1-15.

SECTION 4. IC 36-8-16.5-26, AS AMENDED BY P.L.16-2002, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26. The board may adjust the wireless emergency enhanced 911 fee that is assessed under section ~~25~~ **25.5** of this chapter. The board shall assess the fees at rates that ensure full recovery over a reasonable period of time of costs incurred by CMRS providers and PSAPs to develop and maintain an enhanced wireless 911 system. The fees may not:

- (1) be raised or lowered more than one (1) time in a calendar year;
- (2) be raised more than seven cents (\$0.07) by an adjustment; or
- (3) exceed one dollar (\$1) per month for each telephone number.

SECTION 5. IC 36-8-16.5-30.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. **30.5**. (a) As used in this section, "customer" and "place of primary use" have the meanings set forth in IC 6-8.1-15.

(b) Except as provided in section 34 of this chapter, each CMRS provider shall collect the wireless emergency enhanced 911 fee assessed under section **25.5** of this chapter as follows:

(1) As part of its normal monthly billing process, a CMRS provider shall collect the fee from each standard subscriber that is a customer having a place of primary use in Indiana and may list the fee as a separate line item on each bill. A customer's place of primary use shall be determined in the manner provided by IC 6-8.1-15. If a CMRS provider receives a partial payment for a monthly bill from a CMRS standard subscriber, the CMRS provider shall apply the payment against the amount the CMRS standard subscriber owes to the CMRS provider before applying the payment against the fee.

(2) A CMRS provider shall collect and remit to the board under section 36 of this chapter fees from its prepaid subscribers in a total amount equal to the fee amount multiplied by the number of active prepaid subscriber accounts on the last day of each calendar month.



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1 SECTION 6. THE FOLLOWING ARE REPEALED [EFFECTIVE
2 JULY 1, 2003]: IC 36-8-16.5-25; IC 36-8-16.5-30.

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